

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

**BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS,
FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYES**

THE WESTERN PACIFIC RAILROAD COMPANY

STATEMENT OF CLAIM: This is a claim of the System Committee of the Brotherhood that:

(a) The Carrier has violated and continues to violate the rules of the Clerks' Agreement through its failure and refusal to properly adjust, reclassify and rerate positions of Interline Clerk held by Messrs. Thomas Dowd and Douglas Bruce, their positions having been assigned higher rated work sometime prior to January 23, 1951.

(b) Messrs. Thomas Dowd and Douglas Bruce, and/or their relief or successors, now be compensated 56¢ a day (the difference between the rate of the position each held and the rate of the position from which the higher rated work was transferred) for each day of the violation, retroactive to January 23, 1951, in favor of Thomas Dowd, and retroactive to August 18, 1952 in favor of Douglas Bruce, and continuing until the violation is corrected.

FINDINGS: The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds and holds:

That the Carrier and the Employees involved in this dispute are respectively carrier and employees within the meaning of the Railway Labor Act, as approved June 21, 1934;

That this Division of the Adjustment Board has jurisdiction over the dispute involved herein;

That the dispute was certified to the Third Division of the Adjustment Board ex parte by the complainant party; and

That hearing thereon was waived by the parties and under date of September 2, 1958, the parties jointly addressed a formal communication to the Secretary of the Third Division requesting withdrawal of this case from further consideration by the Division, which request is hereby granted.

AWARD

Case dismissed.

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By Order of THIRD DIVISION

ATTEST: A. Ivan Tummon
Executive Secretary

Dated at Chicago, Illinois, this 16th day of September, 1958.